

# **HELP AMERICA VOTE ACT 2005 HAVA ANNUAL REPORT ON THE DELAWARE STATE PLAN**

STATE OF DELAWARE  
**DEPARTMENT OF ELECTIONS**  
OFFICE OF THE COMMISSIONER



## **PROGRESS REPORT ON THE DELAWARE**

### **STATE PLAN FOR THE**

### **HELP AMERICA VOTE ACT**

SECTION 102 and 251

### **INTRODUCTION**

Delaware's Election community is pleased with the choices and progress we have made in implementing the requirement of the Help America Vote Act. We are a small agency in state government, so many staff persons and community members worked many additional hours to reach the goals we set. We have also made agreements with other State Agencies to assist us in making the requirements changes and additions.

## ACCOMPLISHMENTS

### VOTING SYSTEM STANDARDS

- **Ballot Verification**

The Danaher ELECTronic 1242 voting machine prevents over votes or under votes by notifying the voter. A voter may select the number of candidates allowed for an office and may also choose to disregard the notice and not vote for any candidates for an office. The choices made by the voter may be changed at any time before the vote button is pushed recording the selected votes.

Requirement met 2003.

- **Permanent Records**

The Danaher *ELECTronic 1242* provides a permanent paper record.

Requirement met before 2000

- **Accessible Voting**

The voting machines are now accessible for persons with mobility disabilities, as well as, for voters who have visual disabilities. The installation of audio modules gives Delaware a 100% inventory of accessible machines. The statewide Accessibility Survey has begun for private Facilities used as polling places.

- **Federal Language Requirements**

Alternative language requirements do not apply to Delaware.

- **Error Rates**

The error rate of the *ELECTronic 1242* in counting ballots meets or exceeds the error rate standards established under section 3.2.1 of the 2002 Voluntary Voting System Standards.

Requirement met 2003

- **Definitions of What Constitutes a Vote**

The Delaware Code has been updated to include the definition of a legal vote for all voting devices in Title 15, Section 4972.

- **Educational Programs**

The Commissioner's Office has a full time Educator/Trainer who develops programs and conducts training programs throughout the state. Information is also provided through printed materials. An Absentee Voting in Delaware Web Site also provides more information on this topic and is revised periodically. The voting machines are demonstrated widely throughout the state for educational and training purposes, as well as, to generate familiarity with the voting process. Information is also provided through printed materials.

## **PROVISIONAL VOTING**

Delaware implemented Provisional Voting in 2004 to include uniform and non-discriminatory standards for casting and counting Provisional Ballots. The management of the Provisional Ballot System mirrors the system used to manage Absentee Ballots maintaining the security and confidentiality of voting.

## **VOTING INFORMATION**

The Departments of Election in each county place voting information in each polling place through out the state;

- a sample version of the ballot that will be used for that election;
- information regarding the date of the election and the hours during which polling places will be open
- instructions on how to vote, including how to cast a vote and how to cast a Provisional ballot;
- instructions for mail-in registrants and first-time voters under section 303(b);
- general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

## **VOTING AFTER THE POLLS CLOSE**

Delaware enacted legislation requiring persons who vote during any extended voting period to vote by Provisional Ballot when a court orders the polls to remain open past the normal closing time. A process is in place to manage after the polls close voting. Information about provisional voting is displayed in each polling place, on the state Department of Elections web site and in printed materials.

Requirement met 2004.

## **COMPUTERIZED VOTER REGISTRATION LIST**

The Chief State Election Official administers in a uniform and nondiscriminatory manner, a single, uniform, official centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level since 1990 that:

- serves as the single system for storing and managing the official list of registered voters throughout the State;
- contains the name and registration information of every legally registered voter in the State,
- assigns a unique identifier to each legally registered voter in the State,
- The statewide database is a foundation for an administrative system of registered voters and voting functions. Even though the statewide database was compliant with respect to the HAVA requirements, Delaware has implemented numerous programming and functional improvements facilitating security, voter identity measures and voter services. The administrative complaint system, provisional and absentee ballot tracking, Federal Post Card Applications, polling place information and districting are part of the statewide database. Information contains voter history information and eligibility codes, such as, felon status, deceased and location status. Elements from the removal of voters who are no longer eligible to remain on the list under the National Voter Registration Act are tracked here.

The list is:

- the single system for storing and managing the official list of registered voters throughout the State;
- the Statewide file for the name and registration information of every legally registered voter in the State has a unique identifier is assigned to each legally registered voter in the State;
- coordinated with other agency databases within the State, such as, the Department of Vital Statistics, The Delaware Legislative Justice System (DELJIS), Division of Courts (Jury) and the U.S. Postal Service(USPS);
- allows election officials in the State, to obtain immediate electronic access to the information contained in the computerized list. The list is compiled at the County Department of Elections in each county;
- allows voter registration information obtained from the Department of Elections in each county in the State is electronically entered into the computerized list on an expedited basis at the time the information is obtained; and
- the Chief State Election Official provides such support, maintenance and archival retention of the list so that the election officials in the Departments of Elections in each County are able to enter information.
- An agreement with the Commissioner of Social Security and the official responsible for the State Motor vehicle authority has been waived until 2006.

#### **VOTERS WHO REGISTER BY MAIL**

- **Mail Registration Identification**

Delaware requires the individual who registers to vote in a jurisdiction by mail and has not previously voted in an election for Federal office in the State who votes in person to present a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. For a voter who votes by mail, the same documentation is required.

An individual who desires to vote in person or by mail, but who does not meet the identification requirements may cast a Provisional Ballot.

Requirement met 2000

- **Voter Registration Form**

The mail voter registration form has been changed to include the question :

“Are you a citizen of the United States of America?” and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States. The statement, “If you checked ‘no’ in response to the question, do not complete this application.”; and

#### **COMPLIANCE OBJECTIVES**

A statement informing individuals who are registering for the first time by mail, the appropriate identification required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting either in person or by mail for the first time.

- **Accessibility Module Addition to Voting Systems**

990 voting machines in the state will be retrofitted with audio modules to allow persons with visual disabilities to vote with other voters in privacy as other voters. We intend to purchase an additional 500 machines with the factory installed audio modules in 2006. The Commissioner has entered into intent to purchase the machine and the audio modules from our current machine vendor, Danaher, if the modules are certified by the EAC. Additional machines are needed to reduce waiting in line and to mitigate the time it takes to vote using the audio module. When completed our fleet of voting machine will meet all the requirements.

- **Polling Place Accessibility**

Polling place accessibility has been an ongoing organized process since 1988. Delaware has worked with the Architectural Accessibility Board in the past. Minor changes were made as a result of Legislative funding and the requirement that public buildings be accessible. The search for potential polling sites is continuous and mostly managed by the Departments of Election for each county.

The Commissioner of Elections acted with the advise of the department and community based disability advocates to hire a contractor to survey all of our nonpublic building polling places and produce a report. The survey report will determine how to make each polling place fully accessible. The State will offer owners of property currently used as polling places the opportunity to receive major capitol improvements upon the agreement that the property will be used as a polling place until the next reapportionment. The statewide survey of non-public polling places is complete. The survey materials can be viewed at <http://www.state.de.us/hava>. Going forward, we plan to implement the recommendation included in the survey on a contractual basis.

Delaware Department of Motor Vehicles (DMV) has completed an agreement with the Social Security Administration concerning the required validation of the last four digits of an applicant's SSN when accessing certain services through the Department of Motor Vehicles. The Department of Elections plans to use the DMV's validated database to validate the drivers' license number on a voter registration application, or when provided, the State ID number or the last 4digits of the SSN. Policies to validate the identities of applicants that are outside of that arena are being developed.

**EXPENDITURE BUDGET**

**COMPLYING WITH THE REQUIREMENTS OF TITLE III**

● **VOTING SYSTEMS STANDARDS**

All of Delaware's Danaher ELECTronic 1242 machines have received the audio module retrofit so that voters who have visual disabilities can vote with equal privacy and independence as other voters. Machines have created as basis for the new functionality. Going forward, all voting machines used in all elections throughout the State are compliant with the accessibility requirements of HAVA. 500 new machines will be added to the State's inventory in 2006.

**\$41,725.00**

Election and poll workers have received professional training in the use of the new machine upgrades, as well as, the Department's standard courses of training which are scheduled before each election.

Since training and implementation of the accessible voting machines has been phased in throughout the standard election process, the election system in its entirety will confidently manage the 2006 election.

● **PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS**

Materials, information in the form of newspaper advertising, brochures explaining provisional voting, as well as, informational systems for ballot look-up via the web and a toll free phone system. During each election, information about voter rights in displayed on the polling place walls. (See item number 8)

**\$130,579.91**

● **COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST**

1. Updated the statewide voter database to include Provisional voting functionality, Absentee ballot tracking and look-up field changes contain new required information and reports elements; redesigning registration forms and training for agency based registrars.

**\$452,451.67**

2. Improving the administration of elections for federal office

Revised voter registration forms, materials, services, salaries, and programming. The voter registration file continues as the source of integration for voter registration and automated voter systems.

**\$154,064.17**

3. Educating voters concerning voting procedures, voting rights, and voting technology

Educational programs, printed materials, web based information, public demonstrations of voting machine. New voting machines are in use where voters can participate in activities where they can vote using the voice module. This is deployed statewide.

**\$5,199.70**

The Delaware Student/Parent Mock Elections is a major educational project for the Department. Together with other interested private and public entities, we offer educational materials and real life experiences in the election process. Currently grades 4 through 12 are the target populations. Programs for grades K through 3 are planned.

**\$25,500.00**

4. Training election officials, poll workers, and election volunteers

Poll worker training guide, local training class materials have been produced by the Department of Elections or by vendors to be used as training tools.

**\$10,705.67**

5 Developing the State plan for requirements payments

Information about the State Plan and other information is available at <http://www.state.de.us/hava>.

6 Improving, acquiring, leasing modifying, or replacing voting systems and technology methods for casting and counting votes

37 Danaher ELECTronic 1242 for training have been added for polling place coverage. These machines are the same as all other accessible machines. This is a partial number of the total machines that needs to be ordered as described on pages 14 and 15 of the state plan. An additional 500 machine are scheduled to be deployed by 2006.

7 Establishing toll-free telephone hotlines that voters may use to report possible fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specifying polling place locations, and other relevant information.

The polling place Locator is a web based information system for voter to find the location of their assigned polling place and is maintained at the state level. Changes are made periodically to ensure that the technology remains current.

\$9,720.00

8 Accessibility

The Commissioner of Elections acted with the advise of the department and community based disability advocates to hire a contractor to survey all of our nonpublic building polling places and produce a report. The survey report will determine how to make each polling place fully accessible. The State will offer owners of property currently used as polling places the opportunity to receive major capitol improvements upon the agreement that the property will be used as a polling place until the next reapportionment. The statewide survey of non-public polling places is complete. The survey materials can be viewed at <http://www.state.de.us/hava>. Going forward, we plan to implement the recommendation included in the survey on a contractual basis.

\$30,000.00

\$859,946.12

This report is constructed on a cash basis in the year about which the report pertains. This report is inclusive of activities and expenditures from 01/01/05 through 12/31/05.